



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
[Department of Public Health](#)
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MEMORANDUM

TO: Local Boards of Health and Code Enforcement Agencies

FROM: Howard S. Wensley, Director, Division of Community Sanitation
Marie-Eileen Onieal, Health Policy Coordinator

DATE: January 23, 2001

SUBJECT: Model Regulations for Body Art

Enclosed is a copy of suggested Model Regulations for Body Art Establishments, and prototype disclosure and aftercare statements. DPH staff response to the comments received during the public hearing testimony is also enclosed. Copies of these documents are also available on the Department's Web Page at <http://www.state.ma.us/dph/bhqm/bodyart.htm>

These model regulations are in response to a recent court decision, *Lanphear v Commonwealth of Massachusetts*, Suffolk Superior Court, No. 99-1896-B (October 20, 2000), ruling that the statutory ban on tattooing is unconstitutional. The court ruling becomes effective on January 31, 2001.

As there is no direct statutory authority for the promulgation of body art regulations on a statewide basis, it is incumbent upon those Boards of Health who wish to regulate this practice to adopt local regulations. Should you wish to regulate this practice in your community, you may wish to adopt the model regulations as printed or to make any amendments thereto. It is recommended that this be done in consultation with your town counsel/city solicitor.

Should your board choose to regulate the practice of body art within your jurisdiction, you are authorized to do so by Massachusetts General Law, Chapter 111, section 31. Section 31 permits boards of health to promulgate reasonable health regulations. The process requires (1) that the Board of Health vote on the regulations at a posted meeting; (2) that following the vote, the Board publish a summary of the regulations "describing the substance" in a newspaper of general circulation within the municipality; and (3) filing an attested copy of the regulations with the Department of Environmental Protection.

If you have any questions, please do not hesitate to contact Ms. Onieal at (617) 624-5280 or Mr. Wensley at (617) 983-6761.